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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/172,665	10/15/1998	WATURA ITO	2091-0169P-S	9578

7590 10/23/2002

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EXAMINER

HARRIS, TIA M

ART UNIT PAPER NUMBER

2615

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/172,665

Applicant(s)

ITO, WATURA

Examiner

Tia M Harris

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2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The applicant's amendments to the specification have overcome the objections to the specification. Therefore, the objections are withdrawn.

#### ***Response to Arguments***

1. Applicant's arguments filed 8/8/02 have been fully considered but they are not persuasive. The applicant argues, with respect to Claim 1 (the only claim present at the time of the previous office action), that Vogel (5668596), the reference cited in the previous office action, fails to disclose at least "an image signal recording means which records the digital image signal in the predetermined format on a recording medium which can be loaded in the digital camera". The examiner respectfully disagrees with this assessment of the Vogel reference.

Vogel discloses that a digital imaging device, such as a digital camera, is a device that uses an electronic sensor to capture an image either directly from an object or indirectly from a medium, such as film (Col 4, Lines 45-48). The digital imaging device captures the image, such as from film, converts the image into a digital image signal, and records the digital image signal on a memory card which can be loaded in the digital camera (Col 4, Lines 53-56, 64-67; Col 5, Lines 1-6). Vogel further teaches the images to be stored on the memory card are compressed (Col 4, Lines 53-56), and also the digital camera comprises a matrix coefficient memory (36) that stores color-correction matrix coefficients that are uniquely determined for the camera (Col 6, Lines 18-27). The image signal is recorded on the memory card after color-correction based on these unique coefficients has been performed. Therefore, the image signal is recorded in a predetermined format, which is unique for the camera, on the memory card that can be loaded in the camera.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-2, 5-6, and 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Vogel (5668596).

***(Claims 1, 5, and 9)*** Vogel discloses an image conversion system comprising a digital image generation means that reads out an image on photographic film and generates a digital image signal representing the image (Col 4, Lines 45-48), a format conversion means that converts the format of the digital image signal into a predetermined format used in a digital camera (Col 4, Lines 53-55; Col 6, Lines 18-27), and an image signal recording means which records the digital image signal in the predetermined format on a recording medium which can be loaded in the digital camera (Col 4, Lines 50-58).

***(Claims 2, 6, and 10)*** Vogel further discloses the digital image generation means includes a film scanner (28) for reading an image from the photographic film as an analog signal, and an A/D converter (34) for converting the analog signal to the digital image signal (Col 4, Lines 45-48; Col 5, Lines 51-55).

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***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vogel.

Vogel discloses an image conversion system as discussed above, and further discloses the format conversion means includes a color transformation means (36) and a format processor means (40) for converting the digital image signal into the predetermined format for the digital camera (Col 6, Lines 18-27). Although Vogel does not specifically state that the digital image is an 8-bit digital image, Official Notice is taken that it is well known in the art for a color transformation means to convert a digital image signal into an 8-bit digital image signal.

6. Claims 4, 8, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vogel in view of Newman et al (5432906) (hereafter referred to as Newman).

Vogel discloses an image conversion system as discussed above, and further discloses that keyboard (19) can be implemented for use in the processing of the images. Vogel does not specifically disclose an input means for allowing a user to designate the predetermined format for conversion of the digital image signal.

Newman discloses a color image processing system comprising user interface (22) that allows the user to indicate the desired transformation to be performed on an electronic image (Col 4, Lines 56-58).

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a user interface, in the manner taught by Newman, in the invention disclosed by Vogel to provide the user with more control over the camera functions.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tia M Harris whose telephone number is 703-305-4807. The examiner can normally be reached on M-F 8:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-6606 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

tmh ~~tmh~~  
October 21, 2002



ANDREW CHRISTENSEN  
SUPERVISORY PATENT EXAMINER  
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